

✓ 1642/8



PATENT  
ATTORNEY DOCKET NO.: 044574-5022-02

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION of: )  
Dario C. ALTIERI )  
Application No.: 09/690,825 ) Group Art Unit: 1642  
Filed: October 18, 2000 ) Examiner: K. Canella, Ph.D.  
FOR: SURVIVIN, A PROTEIN THAT INHIBITS )  
CELLULAR APOPTOSIS AND ITS )  
MODULATION )

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**AMENDMENT (FEE) TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment responding to the Office Action dated December 29, 2003.
2. Additional papers enclosed:

- Information Disclosure Statement
- Form PTO-1449, copies of \_\_\_ references
- Citations
- Declaration of Biological Deposit
- Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- Drawings:  Formal  Informal (Correction)

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>Fee for Small Entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> two months	\$ 420.00	\$210.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00
<input type="checkbox"/> five months	\$2,010.00	\$1,005.00

If an additional extension of time is required, please consider this a Petition therefor.

An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension of time fee due with this request: \$ 420.00

4. Constructive Petition

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	65	minus	125	0	x \$18/\$9 each=	\$ 0.00
Independent Claims (37 C.F.R. §1.16(b))	4	minus	24	0	x \$86/\$43 each=	\$ 0.00
First presentation of Multiple dependent claim(s) (previously paid)					\$290/\$145	\$ 0.00
SUB-TOTAL =						\$ 0.00
Fee for 2 Months Extension of Time						\$ 420.00
Reduction by ½ for filing by a small entity						\$ 0.00
TOTAL FEE =						\$ 420.00

6. Fee Payment

The Commissioner is hereby authorized to charge \$420.00 to Deposit Account No. 50-0310 for One Month Extension of Time Fee.

The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully Submitted,  
**Morgan Lewis & Bockius LLP**

Date: May 7, 2004  
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**AMENDMENT UNDER 37 C.F.R. § 1.111**

This paper responds to the Office Action, dated December 29, 2003, time for response to which expired March 29, 2004. An extension of one month is filed concurrently, thereby extending the period of response to April 29, 2004.

Applicants respectfully request reconsideration of this application in view of the following amendment and remarks.

Please amend the above-identified application as follows:

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 9 of this paper.

**Remarks/Arguments** begin on page 13 of this paper.

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